

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RON GOLAN and DORIT GOLAN, individually  
and on behalf of all others similarly situated,

Plaintiffs,

v.

VERITAS ENTERTAINMENT, LLC,

VERTIAS MARKETING GROUP, LLC,

FREEEATS.COM d/b/a CCADVERTISING,

AIC COMMUNICATIONS, LLC  
d/b/a CCADVERTISING,

GABRIEL S. JOSEPH, III,

STEPHEN WAYNE GRIFFIN,

MISSION CITY MANAGEMENT, INC.,

COURAGE 2012, LLC,

JAMES R. LEININGER,

SIXDI, INC. d/b/a SIXDI,

BOB BREWER,

MICHAEL DALE HUCKABEE  
a/k/a MIKE HUCKABEE,

Defendants.

Case No. \_\_\_\_\_

**Jury Trial Demanded**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, 1446, and 1453, Defendant Mission City Management, Inc. files this Notice of Removal of this action from the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, in which it is now pending, to the United

States District Court for the Eastern District of Missouri. Removal is proper because this Court has original jurisdiction over claims arising under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the “TCPA”), and because there are at least 100 members in the putative class, at least one member of the putative class is a citizen of a state different from any defendant, and the amount in controversy exceeds \$5,000,000, exclusive of interest and costs. In further support of this Notice of Removal, Mission City Management states as follows:

**Commencement and Service**

1. On October 3, 2012, plaintiffs James Armbruster, Ron Golan, and Dorit Golan filed a putative class action petition in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, styled *James Armbruster, Ron Golan, and Dorit Golan v. Veritas Entertainment, LLC and Veritas Marketing Group, LLC*, Cause No. 12SL-CC03771. Plaintiffs alleged that defendants violated the TCPA, by making unsolicited pre-recorded calls to residential telephone lines. Defendants denied, and continue to deny, any wrongdoing.

2. On December 4, 2013, plaintiffs filed an Amended Class Action Petition in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, styled, *Ron Golan and Dorit Golan v. Veritas Entertainment, LLC; Veritas Marketing Group, LLC; Freeeats.com, Inc., d/b/a ccAdvertising; AIC Communications, LLC, d/b/a ccAdvertising; Gabriel S. Joseph, III; Stephen Wayne Griffin; Mission City Management, Inc.; Courage 2012, LLC; James R. Leininger; Sixdi, Inc., d/b/a Sixdi; Bob Brewer; and Michael Dale Huckabee, a/k/a Mike Huckabee* (“Amended Petition”). The Amended Petition removed James Armbruster as a plaintiff but added other defendants (including Mission City Management) and a cause of action.

3. Plaintiffs served the Amended Petition on Mission City Management on December 16, 2013. This Notice of Removal is being filed within thirty (30) days of receipt of the Amended Petition as required by 28 U.S.C. § 1446(b).

**Grounds for Removal**

**A. 28 U.S.C. § 1331**

4. This Court has original jurisdiction over this action because it arises under a law of the United States, namely the TCPA. *See Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740 (2012).

**B. 28 U.S.C. § 1332**

5. This Court has original jurisdiction over this class action under the Class Action Fairness Act of 2005 (“CAFA”) because “the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which . . . any member of a class of plaintiffs is a citizen of a State different from any defendant . . . [and] the number of members of proposed plaintiff classes in the aggregate is . . . 100 [or more].” 28 U.S.C. § 1332(d)(2), (5). All CAFA requirements are satisfied here:

- a. *Numerosity*: Plaintiffs allege that “[m]illions of calls were initiated in the telephone campaign for Last Ounce of Courage and at least hundreds were made to Missouri residential telephone numbers.” (Pet. ¶ 70.) Further, plaintiffs attach an invoice to the Amended Petition that purports to identify a universe of four million telephone calls to residential telephone numbers. (Pet. ¶ 54 & Ex. 1.) Accordingly, the number of putative class members exceeds 100.

- b. *Minimum Diversity*: CAFA grants federal district courts jurisdiction over civil class actions in which “any member of a class of plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A). Diversity of citizenship exists between plaintiffs and defendants because at least one member of the proposed class of plaintiffs is a Missouri citizen and no defendant is a Missouri citizen. (Pet. ¶¶ 5-18.)
- c. *Amount in Controversy*: “In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(6). “[A] party seeking to remove under CAFA must establish the amount in controversy by a preponderance of the evidence.” *Bell v. Hershey Co.*, 557 F.3d 953, 958 (8th Cir. 2009). The amount in controversy in this action exceeds \$5,000,000 because plaintiffs seek, among other things, statutory damages of \$500 per call for four million calls, or \$2,000,000,000.00. (Pet. ¶¶ 70, 82 & Ex. 1.)

6. For the foregoing reasons, removal of this action to this Court is proper pursuant to 28 U.S.C. §§ 1441(a) and (b).

#### **Procedure for Removal**

7. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, Mission City Management files herewith a true and accurate copy of all process, pleadings, and orders filed in the state court, including the Amended Petition.

8. Pursuant to Local Rules 81-2.03 and 3-2.02, Mission City Management files herewith the appropriate filing fee, the Civil Cover Sheet, an Original Filing Form, and a Disclosure of Corporation Interests Certificate.

9. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be provided promptly to Plaintiffs' counsel and filed with the Clerk of the Circuit Court of St. Louis County, Missouri under Cause No. 12SL-CC03771.

WHEREFORE, Defendant Mission City Management, Inc. hereby removes the above-referenced action now pending in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County to the United States District Court for the Eastern District of Missouri, Eastern Division.

Dated: January 15, 2014

Respectfully submitted,

/s/ Kimberly M. Steuterman  
Cicely I. Lubben #53897  
Kimberly M. Steuterman #59609  
Stinson Leonard Street LLP  
cicely.lubben@stinsonleonard.com  
kimberly.steuterman@stinsonleonard.com  
7700 Forsyth Boulevard, Suite 1100  
St. Louis, MO 63105  
Telephone: (314) 863-0800  
Facsimile: (314) 863-9388

Ari N. Rothman, *pro hac vice* to be filed  
Ronald M. Jacobs, *pro hac vice* to be filed  
Molly T. Cusson, *pro hac vice* to be filed  
VENABLE LLP  
575 7th Street, NW  
Washington, DC 20004-1601  
anrothman@venable.com  
rmjacobs@venable.com  
mtcusson@venable.com  
(202) 344-4000 (phone)  
(202) 344-8300 (fax)

*Counsel for Defendant Mission City  
Management, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of January, 2014, I caused the foregoing *Notice of Removal* to be filed via the Court's ECF system, a copy of which was served via U.S. Mail on the following counsel of record:

Ronald J. Eisenberg  
Robert Schultz  
640 Cepi Drive, Suite A  
Chesterfield, MO 63005-1221  
(636) 537-4645  
Fax: (636) 537-2599  
[reisenberg@sl-lawyers.com](mailto:reisenberg@sl-lawyers.com)  
[rschultz@sl-lawyers.com](mailto:rschultz@sl-lawyers.com)  
*Counsel for Plaintiffs*

/s/ Kimberly M. Steuterman  
Cicely I. Lubben #53897  
Kimberly M. Steuterman #59609  
Stinson Leonard Street LLP  
cicely.lubben@stinsonleonard.com  
kimberly.steuterman@stinsonleonard.com  
7700 Forsyth Boulevard, Suite 1100  
St. Louis, MO 63105  
Telephone: (314) 863-0800  
Facsimile: (314) 863-9388

*Counsel for Defendant Mission City  
Management, Inc.*